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LAND BORDERING ON LAKE—ANNUAL EBB AND FLOW—*SAPP V. FRAZER ET AL.*, 26 S. Rep. 378 (La.).—The plaintiff appealed from a judgment for defendants, in which he prayed for an injunction restraining the defendants from taking grass from the bed of a lake of which the plaintiff claims riparian ownership. *Held*, that the temporary uncovering of parts of the bed of the lake by recurring annual ebb of the waters, which became covered again by their rise or flow, does not constitute dereliction.

This case is novel, yet there are decisions at variance. It is correctly held that the United States has determined that the question of whether the lands forming the beds of the waters belong to the State, or to the riparian owners, depends entirely upon the law of the State where the lands are. *Hardin v. Jordan*, 140 U. S. 371. The court in this instance held according to the Code which follows the English rule, that there could be no dereliction. *Zeller v. Yacht Club*, 34 La. An. 839.

NEGLIGENCE—ELEVATORS—DEGREE OF CARE NECESSARY. *SAVAGE V. JOSEPH H. BAULAND CO.*, 58 N. Y., Supp.—An elevator, of standard make and fully equipped with all the latest safety appliances, and regularly inspected, became stalled between the second and third floors of a building while a number of passengers were aboard. Several unsuccessful attempts were made to remove the obstruction, which proved to be a piece of bunting used in decorating the car a short time previously. The feasibility of cutting the cage was considered, but abandoned. All efforts to start the car by means of levers proved unavailing. The engineer finally sent his assistant to the top of the shaft to slacken the ropes, taking no precaution to prevent the fall of the car in case the ordinary safety appliances failed to work. The trial court submitted the question to the jury, with the statement that defendant owed plaintiff the duty of operating its elevator with the "highest degree of care and skill." There was no emergency, for the car was fast, and likely to remain so unless disturbed by considerable force. Was there such an emergency as would allow the engineer to use his best judgment as to what was necessary to avoid an accident? Had the defendant any right to try experiments without taking every precaution for the safety of the passengers? Clearly not. In *McGrell v. Building Co.*, 153 N. Y., the court says: "The requirement of the greater degree of care is dependent, not so much on the actual apprehension of danger as upon the consequences likely to result from a defect in machinery and appliances. In cases where less serious results are to be expected and in cases where danger is to be apprehended, if due and proper care is observed by the passenger, the owner is responsible only for want of ordinary and reasonable care." This, it held, applied as well to machinery and manner in which it was operated as to other causes from which injury might result. The defendant should have taken every precaution reasonably possible, and having failed in its duty must answer to those who have suffered through its negligence.

OBSTRUCTION OF SIDEWALK—NEGLIGENCE.—*TOMPKINS V. U. H. RY. CO. ET AL.*, 43 Atl., Rep. 885 (N. J.).—Plaintiff, passing in front of stables owned by one of defendants, was injured by falling of bale of hay, which had been purchased by said defendant, and was being unloaded from wagon of another of defendants. *Held*, that abutting property-owners on street have right to temporarily obstruct street for unloading of merchandise to such extent as is absolutely necessary; and are not bound to furnish safe passage around such obstruction to passers-by.

In the initial case of *Rex v. Russell*, 6 East. 427, it was declared that while a proprietor might make such use of the street as the transaction of his business demanded, yet if resulting obstruction of traffic was so often repeated as to operate as a permanent obstruction, he was liable and must